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10 Attorneys for Defendant and Counterclaimant
LIBERTY MUTUAL FIRE INSURANCE
11 COMPANY

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 LARGO CONCRETE, INC., a
California Corporation; N.M.N.
15 CONSTRUCTION, INC., a California
Corporation,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE
19 INSURANCE COMPANY, a
Massachusetts Corporation, and DOES
20 1 through 100, inclusive.

21 Defendants.

Case No. C07-04651 CRB (ADR)

Hon. Charles R. Breyer
[Complaint Filed: September 10, 2007]

**DECLARATION OF
SCOTT SVESLOSKY IN SUPPORT
OF DEFENDANT AND
COUNTERCLAIMANT LIBERTY
MUTUAL FIRE INSURANCE
COMPANY'S MOTION TO
DISQUALIFY ROXBOROUGH,
POMERANCE & NYE FROM
REPRESENTING PLAINTIFFS**

Date: November 30, 2007
Time: 10:00 a.m.
Place: Courtroom 8

23 AND RELATED COUNTERCLAIM
24
25
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27
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DECLARATION OF SCOTT SVESLOSKY

I, Scott Sveslosky, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am an associate with Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for defendant Liberty Mutual Fire Insurance Company ("Liberty Mutual"). I have personal knowledge of the facts set forth below and, if called and sworn as a witness, could and would testify competently thereto.

2. Attached to this declaration as Exhibit C are true and correct copies of relevant screen prints from Roxborough, Pomerance & Nye's (the "Roxborough firm's") website – www.rpnlaw.com. The printouts from the Roxborough firm's website include those titled "Overview," "Partners," and "Associates" and also includes Craig Pynes' biography. The firm's website lists a total of twelve attorneys – four partners and eight associates. Attorney Michael L. Phillips is not listed on the firm's website but has made an appearance in this matter as an attorney with the Roxborough firm.

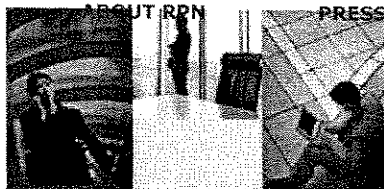
I declare under penalty of perjury, pursuant to the laws of the United States of America, that the foregoing is true and correct.

Executed this 22nd day of October 2007 at Los Angeles, California.


SCOTT SVESLOSKY

EXHIBIT C

ROXBOROUGH POMERANCE & NYE LLP



ABOUT RPN

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Overview

SEARCH SITE (exact phrase)

Dealing with today's complex business landscape can be a monumental undertaking for most companies. The challenges of governance, regulation, legislation, and competition seem to change daily.

At every turn, Roxborough, Pomerance & Nye LLP (RPN) is here to help businesses achieve their goals while anticipating their legal risks so they can avoid costly disputes.

Founded in 1996, RPN is a boutique law firm dedicated solely to providing businesses with a broad range of legal services in all facets of civil litigation with a primary focus on business, insurance, employment, and wage and hour litigation.

It is the first law firm in the country to specialize in and make new law when representing employer in workers' compensation premium and dividend disputes with insurance carriers. The firm's expertise and continuing focus on employers' rights assure clients of better outcomes. At RPN, we monitor state laws and court decisions carefully and continually apprise our clients about significant developments that can affect their business.

We maintain long-standing relationships with clients engaged in industries as varied as consumer products, education, energy, finance, health care, insurance, manufacturing, staffing, technology, and transportation.

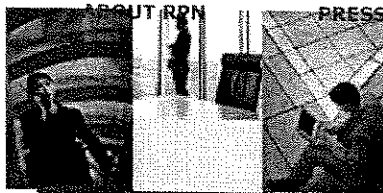
In the litigation area, we have earned a reputation as trial lawyers by successfully representing companies involved in complex lawsuits and prosecuting preeminent class actions on behalf of employers in such diverse legal areas as bad faith, insurance coverage, and unfair trade practices .. all the while handling both the trial and appellate phases.

In the corporate area, we are known for our ability to negotiate and close business transactions—representing both purchasers and sellers in a variety of businesses—as well as the formation of new entities and preparation of partnership, employment, licensing, and distribution agreements.

The depth of our experience, combined with our responsiveness and efficiencies, enable RPN to serve clients from start-up, to the negotiating table and boardroom, before legislative and regulatory bodies, in the courtroom, and beyond.

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Representing Business Every Step of the Way.

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Partners

Associates>

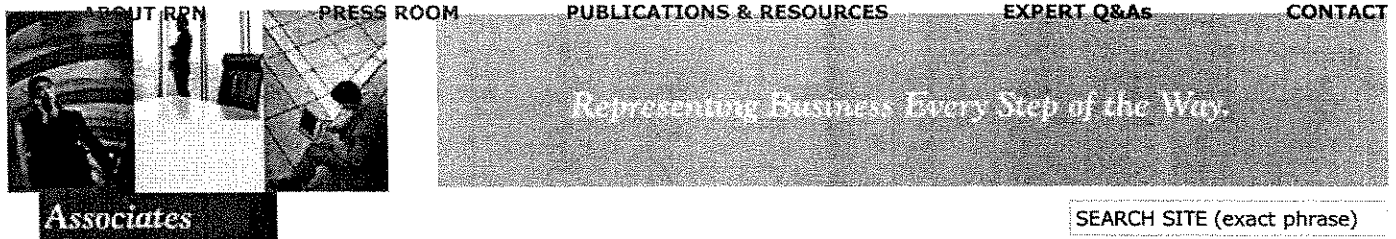
Partners

| Name | | Practice Area |
|--------------------|-------|---|
| Nick Roxborough | email | Insurance Coverage/Bad Faith, Employment and Wage and Hour Law, Complex Business Litigation |
| Drew Pomerance | email | Insurance Coverage/Bad Faith, Employment and Wage and Hour Law, Complex Business Litigation |
| Gary Nye | email | Insurance Coverage/Bad Faith, Business Transactions, Preventative Services |
| Michael B. Adreani | email | Insurance Coverage/Bad Faith, Employment and Wage and Hour Law |

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ROXBOROUGH POMERANCE & NYE LLP



Partners >

Associates

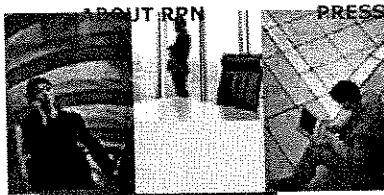
Associates

| Name | | Practice Area |
|-----------------------|-------|--|
| Damon M. Ribakoff | email | Business Transactions, Insurance Coverage/Bad Faith |
| Craig S. Pynes | email | Employment and Wage and Hour Law, Insurance Coverage/Bad Faith, Real Estate, |
| David R. Ginsburg | email | Complex Business Litigation, Employment and Wage and Hour Law, Insurance Coverage/Bad Faith |
| Michael G. Kline | email | Business Transactions, Employment and Wage and Hour Law, Insurance Coverage/Bad Faith, Real Estate |
| Marina N. Vitek | email | Complex Business Litigation, Employment and Wage and Hour Law, Insurance Coverage/Bad Faith |
| Erin LaBrache | email | Complex Business Litigation, Employment and Wage and Hour Law, Insurance Coverage/Bad Faith |
| Stuart E. Cohen | email | Complex Business Litigation, Employment and Wage and Hour Law, Insurance Coverage/Bad Faith |
| Michael H. Raichelson | email | Complex Business Litigation, Real Estate |

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Associates

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Representing Business Every Step of the Way.

SEARCH SITE (exact phrase)

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Associate

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Woodland Hills, CA 91367

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Fax: (818) 992-9991
csp@rpnlaw.com

Partners >

Associates

Damon M. Ribakoff >

Craig S. Pynes

David R. Ginsburg >

Michael G. Kline >

Marina N. Vitek >

Erin M. LaBrache >

Stuart E. Cohen >

Michael H. Raichelson
>

Craig S. Pynes

Biography

Craig Pynes has over 13 years experience in the areas of insurance coverage and defense, as well as commercial and general liability.

Prior to joining RPN, he served at several Los Angeles law firms including Marlin and Saltzman; Levine, Stein, Chyten and Schneider; and Kern and Wooley. In addition, he served as a judicial extern to the Hon. Mathew Byrne, a federal district judge in Los Angeles.

Mr. Pynes' areas of focus has involved defending various insurance companies against first and third party bad faith, representing hotels against business and tort actions and homeowners associations and developers in construction-related litigation.

Representative Experience

- Obtained defense verdict in eight week jury trial on behalf of American States Insurance Company in first party property action seeking well over a \$1 million dollars for bad faith for denial and rescission of claimed construction, restoration and business interruption losses, Brandt attorneys fees and punitive damages.
- Represented multiple large condominium Associations and Developers in construction defect and real estate lawsuits involving multi-million dollars in exposure.
- Represented numerous insurance carriers against first and third party actions and coverage disputes involving all lines of commercial general liability, homeowners, auto and title issues.

Activities & Affiliations

- Member: Washington State Bar since 1999.
- Editor: *International and Comparative Law Journal*, 1988-1990.



Bylined articles by Craig
S. Pynes

Craig Pynes

- Vice President: St. Thomas Moore Law Honors Society, 1989-1990.

Education

- Admitted to practice: Los Angeles, 1990
- Loyola Law School, J.D., 1990
- University of California, Los Angeles, B.A. in Psychology, emphasis in Business Administration, 1986

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PROOF OF SERVICESTATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within entitled action; my business address is 333 South Hope Street, 48th Floor, Los Angeles, California 90071-1448.

On **October 23, 2007**, I served the following document(s) described as **DECLARATION OF SCOTT SVESLOSKY IN SUPPORT OF DEFENDANT AND COUNTERCLAIMANT LIBERTY MUTUAL FIRE INSURANCE COMPANY'S MOTION TO DISQUALIFY ROXBOROUGH, POMERANCE & NYE FROM REPRESENTING PLAINTIFFS** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

Nicholas P. Roxborough, Esq.
Michael L. Phillips, Esq.
Roxborough, Pomerance & Nye LLP
5820 Canoga Ave., Suite 250
Woodland Hills, CA 91367

- ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **October 23, 2007**, at Los Angeles, California.


ANDREA J. HERNANDEZ